

MINUTES**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA, EASTERN DIVISION**

HON. CHARLES S. COODY, MAG JUDGE AT Montgomery, Alabama

DATE COMMENCED: 10/27/06 AT 9:30 a.m. to 12:09 a.m.

DATE COMPLETED: 10/27/06 TO Digital Recorded

UNITED STATES OF AMERICA *

V. * CASE NO.: 3:06CR208-MEF-CSC

JASON EDWARD COFIELD *

GOVERNMENT **APPEARANCES:** **DEFENDANT**

Atty. Verne Speirs * Atty. Pate DeBardeleben
* *

COURT OFFICIALS PRESENT:

Court Room Deputy: Wanda Stinson LAW CLERK: Corrie Long

Court Reporter: James Dickens

() NON-JURY TRIAL
(X) OTHER PROCEEDINGS: **EVIDENTIARY HEARING RE: MOTION TO SUPPRESS**

SEE MINUTES ATTACHED

LOG OF PROCEEDINGS ELECTRONICALLY RECORDED			
Description	Suppression hearing - 06cr208-MEF-CSC		
Date	10/27/2006	Location	Courtroom 4B
Time	Speaker	Note	
9 :30:53 AM	Court	Court convenes; parties present as noted; Discussion as to the hearing on a suppression motion on a warrant;	
9 :31:20 AM	Atty. Speirs	Response as to how to proceed;	
9 :31:27 AM	Atty. DeBardeleben	Was prepared to go first, since it was our motion to suppress;	
9 :31:32 AM	Court	Then you go first;	
9 :31:33 AM	Atty. DeBardeleben	Calls Mr. Kenny Cofield; witness is sworn and seated; Discussion and review of the search warrant; Move to Deft's Exh. #1;	
9 :34:32 AM	Court	It's admitted;	
9 :34:37 AM	Atty. DeBardeleben	Cont'd testimony; Discussion of address listed on the search warrant; Discussions as to names listed on the search warrant;	
9 :37:20 AM	Atty. Speirs	Objection as to relevance;	
9 :37:22 AM	Court	Will allow it;	
9 :37:25 AM	Atty. DeBardeleben	Cont'd testimony; Cont'd discussion of search warrant; Discussion and review of chart of family property;	
9 :40:14 AM	Court	Where are your mailboxes;	
9 :40:14 AM	Witness	Response on Hwy. 270;	
9 :40:18 AM	Court	Hwy. 270	
9 :40:19 AM	Court	Are they separate?	
9 :40:22 AM	Witness	Yes sir.	
9 :40:22 AM	Court	They all got numbers on them?	
9 :40:24 AM	Witness	Yes sir;	
9 :40:24 AM	Court	Numbers you described this morning?	
9 :40:27 AM	Witness	Yes sir and names;	
9 :40:30 AM	Atty. DeBardeleben	Testimony resumes; Discussion and review of Deft's Exh. #2; Move to admit Deft's Exh. #2;	
9 :41:31 AM	Court	No objections; It's admitted;	
9 :41:31 AM	Atty. DeBardeleben	Cont'd testimony; Discussion as to the search of Jason's mobile home; Discussion of second search warrant;	
9 :43:54 AM	Atty. Speirs	Objection;	
9 :44:04 AM	DeBardeleben	Response to objection	
9 :44:14 AM	Court	Will allow it;	
9 :44:16 AM	Atty. DeBardeleben	Moved to introduce Deft's Exh. #3;	
9 :44:21 AM	Court	Other than the materiality and relevance objections, It's admitted;	
9 :44:25 AM	Atty. DeBardeleben	Cont'd testimony; Cont'd discussion of second search of home on 27th; Discussion and review of photo of Jason's mobile home; Move to admit Deft's Exh. #4;	
9 :45:32 AM	Court	No objection; It's admitted;	
9 :45:32 AM	Atty. DeBardeleben	Cont'd testimony; Moved to introduce Deft's Exh. #5;	
9 :46:16 AM	Court	No objection; It's admitted;	

9 :46:17 AM	Atty. DeBardeleben	Cont'd testimony; Discussion as to what happened to Mr. Kraft;
9 :46:38 AM	Atty. Speirs	Objection as to relevance;
9 :46:38 AM	Court	Response;
9 :46:43 AM	Atty. DeBardeleben	Has to do with the first search warrant and the actions of the agents;
9 :46:52 AM	Court	Response; move on; Objection is sustained;
9 :46:55 AM	Atty. DeBardeleben	Testimony resumes; Discussion and review of photo of mail box of Kevin Cofield; Move to admit Deft's Exh. #6;
9 :47:47 AM	Court	No objections; It's admitted;
9 :47:49 AM	Atty. DeBardeleben	Cont'd testimony; Discussion of layout of land; Discussion as to the search warrant issued on August 31st;
9 :50:10 AM	Atty. Speirs	Objection as to relevance;
9 :50:10 AM	Court	OVERRULED;
9 :50:10 AM	Atty. DeBardeleben	Cont'd testimony; Moved to introduce Deft's Exh. #7;
9 :50:31 AM	Atty. Speirs	Objection as to relevance;
9 :50:34 AM	Court	Objection is overruled; It's admitted;
9 :50:35 AM	Atty. DeBardeleben	Cont'd testimony; Discussion of second search warrant issued on Brian Cofield's residence;
9 :53:29 AM	Atty. Speirs	Objection as to relevance to what they were looking for;
9 :53:35 AM	Court	I agree with that;
9 :53:39 AM	Atty. DeBardeleben	Move to admit Deft's Exh. #8;
9 :53:43 AM	Atty. Speirs	Subject to my previous objection;
9 :53:46 AM	Court	Objections are overruled; Deft's Exh. #8 is admitted;
9 :53:50 AM	Atty. DeBardeleben	Cont'd testimony; Moved to introduce Deft's Exh. #9;
9 :54:18 AM	Court	No objections; It's admitted;
9 :54:24 AM	Atty. DeBardeleben	Cont'd testimony; Move to admit Deft's Exh. #10;
9 :54:48 AM	Atty. Speirs	No objections;
9 :54:48 AM	Court	It's admitted;
9 :54:48 AM	Atty. DeBardeleben	Cont'd testimony; Discussion and review of photo of home and fence around property; Moved to introduce Deft's Exh. #11;
9 :55:15 AM	Atty. Speirs	No objection;
9 :55:15 AM	Court	It's admitted;
9 :55:18 AM	Atty. DeBardeleben	Cont'd testimony; Discussion and review of photo of Kevin Cofield's mobile home; Move to introduce Deft's Exh. #12;
9 :55:48 AM	Atty. Speirs	No objection;
9 :55:48 AM	Court	It's admitted;
9 :55:51 AM	Atty. DeBardeleben	Cont'd testimony;
9 :56:33 AM	Atty. Speirs	Objection as to relevance;
9 :56:33 AM	Court	Response; will allow that one; objection is overruled;
9 :56:50 AM	Atty. DeBardeleben	Cont'd testimony; Move to introduce Deft's Exh. #13;
9 :56:52 AM	Atty. Speirs	No objection;
9 :56:52 AM	Court	It's admitted;
9 :56:52 AM	Atty. Bardeleben	Cont'd testimony; Moved to introduce Deft's Exh. #14;
9 :57:09 AM	Atty. Speirs	No objection;
9 :57:09 AM	Court	No objections, it's admitted;

9:57:09 AM	Atty. DeBardeleben	Cont'd testimony;
9:57:40 AM	Atty. Speirs	Objection to hearsay and relevance;
9:57:40 AM	Atty. DeBardeleben	They are here;
9:57:45 AM	Court	He can testify as to what he told somebody else; what he can't testify to is what somebody told him; Objection is overruled;
9:57:56 AM	Atty. DeBardeleben	Cont'd testimony; Discussions as to helicopters flying over property;
9:59:49 AM	Atty. Speirs	Cross - examination; discussion as to acres/property owned; Discussion of location of mailboxes; Discussion and review of Govt. Exh. #13; Discussion and review of Govt's Exh. #14; Discussion and review of Govt's Exh. #16; Discussion of Deft's Exh. #1; Discussion and review of Govt's Exh. #7; Move to admit Govt.'s Exh #7;
10:12:03 AM	Court	No objections; It's admitted;
10:13:15 AM	Atty. Speirs	Cont'd testimony; Discussion and review of Govt. Exh. #8; Discussion and review of Deft's Exh. #9 and #6; Discussion and review of Deft's Exh. #2;
10:22:24 AM	Atty. DeBardeleben	Re - Direct; Discussion of the January 24th search warrant;
10:24:19 AM	Atty. Speirs	Re - Cross examination;
10:24:47 AM	Court	Witness is excused;
10:24:51 AM	Atty. DeBardeleben	Calls Mrs. Amy Cofield, wife of Jason Cofield; witness is sworn and seated;
10:25:20 AM	Court	Discussion as to the motion to suppress that goes to both the weapons and the vehicles that are the subject matter of the indictment;
10:25:29 AM	Atty. DeBardeleben	Testimony begins; Discussion as to the incident of January 24, 2006; Stopped at the gate by SWAT officers;
10:26:57 AM	Court	Question as to entrance way of the property;
10:27:06 AM	Witness	Response;
10:27:11 AM	Court	Where were you going?
10:27:14 AM	Witness	Response - home;
10:27:19 AM	Atty. DeBardeleben	Cont'd testimony; Move to admit Deft's Exh. #15;
10:27:59 AM	Court	No objections; It's admitted;
10:28:02 AM	Atty. DeBardeleben	Cont'd testimony; Move to admit Deft's #16;
10:29:13 AM	Court	It's admitted;
10:29:19 AM	Atty. DeBardeleben	Cont'd testimony; Discussions regarding the search warrant and search of home; Discussion of second search of home; Discussion of third search of home on August 31st;
10:34:07 AM	Atty. Speirs	Cross - examination; Discussion and review of Govt's Exh. #7; Discussion and review of Govt's Exhs. #14 and #13 and #15;
10:42:14 AM	Atty. DeBardeleben	Re- direct;
10:45:02 AM	Atty. Speirs	Re- Cross;
10:46:49 AM	Court	Discussion as to other police officers on the property before being searched;
10:46:56 AM	Witness	Response;
10:47:00 AM	Court	Witness is excused;
10:47:05 AM	Atty. DeBardeleben	Have no other witnesses;

10:47:06 AM	Atty. Speirs	Calls Investigator Donnie Surrett; witness is sworn and seated; Investigator for Lee Co. Sheriff's office; Discussion and review of Govt. Exh. #13, #13A, 14, 15, and 16 - LETS printout of information of the Cofield family ; Move to admit Govt's Exhs. 13, 13A, 14, 15, and 16 ;
10:56:20 AM	Court	They are admitted;
10:56:26 AM	Atty. Speirs	Cont'd testimony; Discussions of the Cofield property; DEA agents gave information about the Cofields and members of the family and property information in 2002;
10:57:32 AM	Court	What did they tell you about their property;
10:57:35 AM	Witness	Response;
10:57:59 AM	Court	Response; Question whether in 2002 were those trailers located along highway?;
10:58:16 AM	Witness	Yes sir.
10:58:19 AM	Court	Were the mailboxes located there in 2002;
10:58:19 AM	Witness	There were some mailboxes, don't remember all of them;
10:58:25 AM	Atty. Speirs	Cont'd testimony; Discussion of visits to the Cofield property; Discussion and review of Deft's Exh. #9, #6 and #2; Discussion as to the blood hound system and its use;
11:02:55 AM	Court	Question to witness regarding him going on to the property in 2002;
11:03:05 AM	Witness	No sir - the gate was always closed;
11:03:08 AM	Atty. Speirs	Cont'd testimony; Discussion and review of Govt's Exh. 1 - 5; Govt. moves to admit Exh. 1 through 5;
11:04:06 AM	Court	They are admitted;
11:04:09 AM	Atty. Speirs	Cont'd testimony; Discussion and review of Govt. Exh. #1, #2;
11:06:37 AM	Court	Question as to Govt. Exh. #2;
11:06:55 AM	Witness	Response;
11:07:25 AM	Atty. Speirs	Cont'd testimony; Discussion and review of Govt's Exh. #3, #4 and #5;
11:12:06 AM	Court	Will take a brief recess to attend to another matter;
11:19:38 AM	Court	Court RECONVENES;
11:19:47 AM	Atty. Speirs	Cont'd testimony of witness; Discussion and review of Govt. Exh. #17; Move to admit Govt. Exh. #17;
11:20:37 AM	Court	It's admitted;
11:20:39 AM	Atty. Speirs	Cont'd testimony; Discussion and review of Govt. Exh. 10 and Govt. Exh. 8; Move to admit Govt's Exh. 8 and 10;
11:23:16 AM	Court	They are admitted;
11:23:23 AM	Atty. Speirs	Cont'd testimony; Discussion and review of Govt's Exh. #9;
11:26:54 AM	Court	Question to witness regarding whereabouts of the fences around Jason's trailer;
11:27:00 AM	Witness	Response;
11:27:14 AM	Court	Discussion of directions to the North of Jason's property whether there is any fence along there;
11:27:39 AM	Witness	Response;

11:27:53 AM	Court	Discussions as to partially fenced areas around Jason's trailer and the search of property;
11:28:04 AM	Witness	Response;
11:29:33 AM	Atty. Speirs	Cont'd testimony; Discussion and review of Govt. Exh. #9; Govt move to admit Govt's Exh. #9;
11:30:06 AM	Court	It's admitted;
11:30:08 AM	Atty. Speirs	Cont'd testimony; Discussion as to the search;
11:33:44 AM	Court	What does the word alias mean;
11:33:44 AM	Witness	Response;
11:33:53 AM	Court	Whose residence are we talking about in the warrant?;
11:33:57 AM	Witness	The residence of Kenny Cofield, Brian Cofield, Jason Cofield
11:34:02 AM	Court	You knew those were the sons of Kenny Cofield;
11:34:05 AM	Witness	Yes sir.
11:34:05 AM	Court	Why did you use the term alias?
11:34:08 AM	Witness	Response - to cover if I misspelled the names;
11:34:13 AM	Court	Why didn't you tell the Judge that these were the sons of Kenny Cofield?;
11:34:19 AM	Witness	I have no answer for that;
11:34:25 AM	Court	Why isn't that misleading;
11:34:28 AM	Atty. Speirs	Response;
11:34:47 AM	Atty. Speirs	Cont'd testimony; Discussion as whether any information was given to mislead Judge Walker;
11:35:25 AM	Court	Question to witness regarding warrant of separate people and the use of alias;
11:35:30 AM	Witness	Response;
11:35:38 AM	Court	Response; You knew that they were separate people;
11:35:46 AM	Witness	Response;
11:35:53 AM	Court	Why isn't this reckless misleading?
11:36:07 AM	Atty. Speirs	Response;
11:36:27 AM	Court	He's been out there 10 to 15 times before and he has studied the property; Has spent 4 yrs investigating these people;
11:37:20 AM	Atty. Speirs	Response;
11:37:43 AM	Court	Discussion and review as to the search warrant;
11:38:16 AM	Atty. Speirs	Response;
11:38:31 AM	Court	Discussion as to when officer got into the property;
11:38:50 AM	Atty. Speirs	Response;
11:39:32 AM	Atty. Speirs	Cont'd testimony; Discussion of the search with Judge Walker; Discussion and review of Govt. Exh. 12;Govt. moves to admit Exh. #12;
11:42:15 AM	Atty. DeBardeleben	Objection - 1. it's not the original, 2. it's not signed; 3. it's not dated;
11:42:21 AM	court	What's the purpose of it;
11:42:23 AM	Atty. Speirs;	Response; shows conversation with Judge Walker;
11:42:35 AM	Court	Response; Objection is sustained on the bases of relevancy;
11:42:50 AM	Atty. Speirs	Response as to recklessness and whether there was any misleading of Judge Walker;
11:43:14 AM	Court	Response as to recklessness;

11:43:28 AM	Atty. Speirs	Cont'd testimony; Discussion of execution of the search warrant; Discussion and review of Govt's Exh. #6; Govt moves to admit Exh. #6;
11:46:48 AM	Court	It's admitted;
11:46:51 AM	Atty. Speirs	Cont'd testimony; Discussion to the use of alias in the search warrant;
11:53:47 AM	Atty. DeBardeleben	Cross - examination; Discussions as to whether Jason Cofield lived at 5766, the home of Kenny Cofield;
12:00:00 PM	Atty. Speirs	Re - direct; Discussion of area color photographs of structure of the Cofield property;
12:01:18 PM	Atty. DeBardeleben	Re - Cross;
12:02:01 PM	Atty. Speirs	Re - direct;
12:02:35 PM	Court	Question to witness re: search warrant and the use and meaning of the word "curtilage"?
12:02:45 PM	Witness	Response - the area around the residence without any obstruction;
12:02:52 PM	Court	Discussion as to the why warrant authorized you to search Jason Cofield's trailer?
12:03:03 PM	Witness	Response - because it was at 5766 Co. Rd 270;
12:03:07 PM	Court	Witness is excused;
12:03:24 PM	court	Discussion of the issues; the warrant does not say property, it says residence; Questions to address 1- If a warrant authorizes the search of a residence and something within the curtilage, and having spent 4 hours at Mr. Kenny Cofield's residence, an officer could believe that a trailer 800 feet away was part to the residence within the curtilage; 2 - Whether the warrant meet the requirement; 3 - Want to know your views on whether the information given to Judge Walker meets the requirements under Franks vs. Delaware; Do not find that Officer Surrett gave false information to Judge Walker; Want your briefs filed 10 days from today's date;
12:06:01 PM	Atty. Speirs	Can we go through that list one more time;
12:06:04 PM	Court	You can; What do think I asked for;
12:06:07 PM	Atty. Speirs	Response; The officers conduct under Franks; curtilage and what that might encompass;
12:06:21 PM	Court	Enlight of what it says in the affidavit;
12:06:40 PM	Atty. Speirs	Response;
12:06:46 PM	Court	Response;
12:07:43 PM	Corrie	Second thing that was said;
12:07:54 PM	Court	Response;
12:08:15 PM	Court	Court is recessed.
12:09:14 PM		

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA

*

Plaintiff

*

*

* CR NO.: 1:06CR208-MEF

*

JASON EDWARD COFIELD

*

*

Defendant

*

*

WITNESS LIST:

GOVERNMENT

3. Mr. Donnie Surett

DEFENDANT

1. Mr. Willis Kenny Cofield
2. Mrs. Amy Cofield

UNITED STATES DISTRICT COURT

MIDDLE

DISTRICT OF

ALABAMA

GOVERNMENT'S EXHIBIT LIST

UNITED STATES OF AMERICA
V.
JASON EDWARD COFIELD

Case Number: 3:06CR208-MEF-CSC

PRESIDING JUDGE CHARLES S. COODY						GOVERNMENT'S VERNE SPEIRS	DEFENDANT'S ATTORNEY PATE DEBARDELEBEN
TRIAL DATE (S) SUPPRESSION HEARING - OCTOBER 27, 2006						COURT REPORTER JAMES DICKENS	COURTROOM DEPUTY WANDA STINSON
ADMITTED	DATE OFFERED	DATE IDENTIFIED	EXHIBIT NO.	WITNESS	OBJ	DESCRIPTION OF EXHIBITS	
YES	10/27/06	10/27/06	1	DONNIE SURRETT	NO	Air photo of 5766 Cofield property	
YES	10/27/06	10/27/06	2	DONNIE SURRETT	NO	Air photo of Jason Cofield's trailer	
YES	10/27/06	10/27/06	3	DONNIE SURRETT	NO	Map from appraisal dept. of Cofield property	
YES	10/27/06	10/27/06	4	DONNIE SURRETT	NO	Map obtained from appraisal dept.	
YES	10/27/06	10/27/06	5	DONNIE SURRETT	NO	Copy of Map from page 5 from Lee Co. 911 Map book	
YES	10/27/06	10/27/06	6	DONNIE SURRETT	NO	Hand drawn map of Cofield property	
YES	10/27/06	10/27/06	7	KENNY COFIELD	NO	Air photo of Cofield property;	
YES	10/27/06	10/27/06	8	DONNIE SURRETT	NO	Air Photograph of cofield property	
YES	10/27/06	10/27/06	9	DONNIE SURRETT	NO	Air phot of the Cofield property	
YES	10/27/06	10/27/06	10	DONNIE SURRETT	NO	Air photograph of Cofiled property;	
YES	10/27/06	10/27/06	12	DONNIE SURRETT	YES	Handwritten notes by Ofc. Surrett of conversation with Judge	
						Walker	
YES	10/27/06	10/27/06	13	DONNIE SURRETT	NO	LETS information on Jason Cofield dated 1/6/05	
YES	10/27/06	10/27/06	13A	DONNIE SURRETT	NO	LETS information on Jason Cofield dated 1/24/06	
YES	10/27/06	10/27/06	14	DONNIE SURRETT	NO	LETS information on Amy Cofield dated 6/4/04	

* Include a notation as to the location of any exhibit not held with the case file or not available because of size.

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UNITED STATES DISTRICT COURT

MIDDLE

DISTRICT OF

ALABAMA

UNITED STATES OF AMERICA
V.
JASON EDWARD COFIELD

DEFENDANT'S EXHIBIT LIST

Case Number: 31:06CR208-MEF-CSC

PRESIDING JUDGE						GOVERNMENT ATTORNEY	DEFENDANT'S ATTORNEY
CHARLES S. COODY						VERNE SPEIRS	PATE DEBARDELEBEN
TRIAL DATE (S) SUPPRESSION HEARING - October 27, 2006						COURT REPORTER JAMES DICKENS	COURTROOM DEPUTY WANDA STINSON
ADMITTED	DATE OFFERED	DATE IDENTIFIED	EXHIBIT NO.	WITNESS	OBJ	DESCRIPTION OF EXHIBITS	
YES	10/27/06	10/27/06	1	KENNY COFIELD	1	Application and Affidavit for Search Warrant dated 1/24/06	
YES	10/27/06	10/27/06	2	KENNY COFIELD	2	Photo of mailbox of Jason Cofield - 5796 address	
YES	10/27/06	10/27/06	3	KENNY COFIELD	3	Lee Co. Search Warrant dated 1/27/06	
YES	10/27/06	10/27/06	4	KENNY COFIELD	4	Photograph of trailer	
YES	10/27/06	10/27/06	5	KENNY COFIELD	5	Photograph of storage shed	
YES	10/27/06	10/27/06	6	KENNY COFIELD	6	Photo of mailbox of Kevin Cofield - 5906 address	
YES	10/27/06	10/27/06	7	KENNY COFIELD	7	Application & Affidavit for Search Warrant dated 8/31/06	
YES	10/27/06	10/27/06	8	KENNY COFIELD	8	Lee Co. Search Warrant dated 8/31/06	
YES	10/27/06	10/27/06	9	KENNY COFIELD	9	Photo of mailbox addressed 5766 Lee Rd 270	
YES	10/27/06	10/27/06	10	KENNY COFIELD	10	Photo of Kenny Cofield's home	
YES	10/27/06	10/27/06	11	KENNY COFIELD	11	Photo of Kenny Cofield's home through the woods;	
YES	10/27/06	10/27/06	12	KENNY COFIELD	12	Photo of Kevin Cofield's mobile home;	
YES	10/27/06	10/27/06	13	KENNY COFIELD	13	Photo of mailbox of Brian Cofield 5842 address	
YES	10/27/06	10/27/06	14	KENNY COFIELD	14	Photo of Brian Cofield's mobile home	
YES	10/27/06	10/27/06	15	AMY COFIELD	15	Credit Card Statement of Amy Cofield at 5796 address	
YES	10/27/06	10/27/06	16	AMY COFIELD	16	CountryPlace Mortgage states of Jason Cofield	

